

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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DANIEL A. CONKLIN AND LISA A. CONKLIN,

Plaintiffs,

Case No.: 12-CV-3606  
(ER)

- against -

JEFFREY A. MAIDENBAUM, ESQ.,  
MAIDENBAUM & ASSOCIATES, P.L.L.C.,  
WELTMAN WEINBERG & REIS CO., L.P.A.,  
BRANCH BANKING AND TRUST COMPANY,  
AMIR CALLOSI, ESQ., AND  
DENISE PRINCE, ESQ.,

Defendants.

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**DECLARATION IN SUPPORT OF DEFENDANTS WELTMAN WEINBERG & REIS  
CO., L.P.A. AND DENISE PRINCE S/H/A DENISE PRINCE, ESQ.'S MOTION TO  
DISMISS**

**CHRISTOPHER B. HITCHCOCK**, hereby declares under penalty of perjury, pursuant  
to 28 U.S.C. §1746, as follows:

1. I am a member of the law firm Hitchcock & Cummings, LLP, attorneys for the  
defendants, Weltman Weinberg & Reis Co., L.P.A. and Denise Prince s/h/a Denise Prince, Esq.  
(collectively "Defendants") in this action. I am therefore fully familiar with the facts and  
circumstances set forth herein.

2. I submit this declaration in support of Defendants' motion, (1) pursuant to Federal  
Rule of Civil Procedure 12(b)(6), for an order dismissing the amended complaint of plaintiffs,  
Daniel A. Conklin and Lisa A. Conklin (collectively "plaintiffs"), and (2) for such other and  
further relief this Court deems just equitable and proper.

3. For the reasons stated in the accompanying memorandum of law, plaintiffs' amended complaint fails to state a cause of action against Defendants under the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, §487 of the New York State Judiciary Law or causes of action for malpractice, fraud in the inducement, breach of contract, breach of the duty of good faith and fair dealing or breach of fiduciary duty.


4. A true and accurate copy of plaintiffs' complaint is annexed hereto as Exhibit A.

5. A true and accurate copy of plaintiffs' amended complaint is annexed hereto as Exhibit B.

**WHEREFORE**, Defendants demand judgment dismissing the complaint as against them, together with the costs and disbursements of this action, including attorneys' fees, as well as any further relief as this Court deems just and proper.

Dated: New York, New York  
December 21, 2012

HITCHCOCK & CUMMINGS, LLP

By:   
Christopher B. Hitchcock, Esq.  
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*and Denise Prince s/h/a Denise Prince,*  
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